

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ST. JOHN BROOKLYN LLC,

Plaintiff,

v.

SHIRLEY ROQUE, *et al.*,

Defendants.

Civil Action No.: 18-11398 (JLL)

ORDER

LINARES, Chief District Judge

IT APPEARING THAT:

1. On February 7, 2019, Plaintiff St. John Brooklyn LLC filed a Motion for Default Judgment against Defendants Shirley Roque, Gina Francis, Kimberly Burnett, and New World Abstract. (ECF No. 31).
2. Prior to the filing of its motion, Plaintiff requested entry of default against the same Defendants from the Clerk of the Court, and the Clerk of the Court entered default against them. (ECF No. 12, ECF Docket Entries dated August 14, 2018).
3. Pursuant to Federal Rule of Civil Procedure 55, the Court may enter default judgment if plaintiff's claim is for a sum certain and where the plaintiff has filed an "affidavit showing the amount due." Fed. R. Civ. P. 55(b)(1); *see also Doug Brady, Inc. v. N.J. Bldg. Laborers Statewide Funds*, 250 F.R.D. 171, 177 (D.N.J. 2008).
4. Plaintiff has not submitted such an affidavit. The only figure approximating a damages calculation is in Plaintiff's Complaint, which states that "[t]his action seeks actual damages of more than \$744,000.00, which is the approximate amount owed to Plaintiff based on the

fraud and misrepresentation of the parties involved in using Shirley Roque's credit to obtain a loan from Plaintiff." (ECF No. 1 ¶ 4). This figure cannot be presumed by the Court to be reasonably exact. The actual text states that the sum may be "more" than \$744,000.00, which itself is an "approximate amount owed to Plaintiff." (ECF No. 1 ¶ 4). Furthermore, this statement appears in Plaintiff's Complaint, not a sworn affidavit, and Plaintiff has produced no calculations showing how it arrived at that figure. Nor has there been any mention of existing or continuing interest payments.

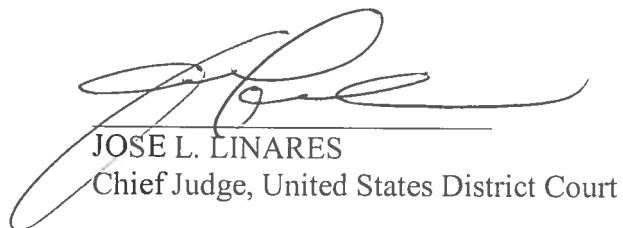
5. The Court declines to enter default judgment on such speculative information.

IT IS thus on this 19 day of March, 2019

ORDERED that Plaintiff St. John Brooklyn LLC's Motion for Default Judgment, (ECF No. 31), is hereby DENIED without prejudice; and it is further

ORDERED that Plaintiff may refile its Motion for Default Judgment along with the requisite materials for this Court to ascertain the validity of its claim within 30 days from the date of this Order.

IT IS SO ORDERED.



JOSE L. LINARES
Chief Judge, United States District Court